Petition

81 - 446
No.

Office-Supreme Court, U.S.
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ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1981

JEROME MURRAY,

Petitioner

-against-

THE SUPREME COURT OF PUERTO RICO

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE COMMONWEALTH OF PUERTO RICO

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QUESTION PRESENTED FOR REVIEW

Is it a violation of an individual's Constitutional rights of due process, when that individual's duly made application for admission to the bar of the Commonwealth of Puerto Rico is dismissed because subsequent to the application being made the Rules of the Supreme Court of Puerto Rico providing for the procedures to be followed and permitting the Supreme Court of Puerto Rico to exercise its discretion on the application have been repealed?

LIST OF PARTIES

The parties to the instant proceeding are Jerome Murray, the petitioner, and The Supreme Court of Puerto Rico, as respondent.

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SUPREME COURT OF THE UNITED STATES

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-against-

THE SUPREME COURT OF PUERTO RICO

Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE
COMMONWEALTH OF PUERTO RICO

To the Honorable The Chief Justice, and
Associate Justices of the Supreme Court
of the United States:

OPINION BELOW

The Resolution below of the Supreme Court of the Commonwealth of Puerto Rico is appended hereto as part of the docu--

ment marked "A".*

The Resolution states:

IN THE SUPREME COURT OF PUERTO RICO

Ex-Parte

Jerome Murray, Petitioner

No. Mc-80-43

Admission to the Bar and to the Notarial Practice

RESOLUTION

San Juan, Puerto Rico, May 12,1981

Considering that the Court repealed Rule 11(f) of its Rules which provided that "the Court may discretionally admit to the practice of law without examination" any applicant admitted to practice in any state of the United States of America where attorneys from Puerto Rico are admitted to practice, and provided that the applicant were to fulfill certain requirements; the Court dismisses applicant Jerome Murray's petition, without prejudice to his requesting admission through examination as provided by sec. 721 of Title 4 of the Laws of Puerto Rico Annotated, and by the Rules

* The court documents are appended in English translations thereof certified by the Chief Clerk of the Supreme Court of Puerto Rico as true translations.

of the Board of Bar Examiners.

It was so agreed by the Court and certified by the Clerk.

(s) Ernesto L. Chiesa
Chief Clerk

JURISDICTION TO REVIEW

The date of the Resolution of the Supreme Court of the Commonwealth of Puerto Rico sought to be reviewed is May 12, 1981.

The jurisdiction of this Court is invoked under Sections 1258(3) and 2101(c) of Title 28, United States Code.

The compelling circumstances which warrant review by this Court of the Resolution here involved are set forth in this petition under "Reasons for Granting the Writ".

CONSTITUTIONAL AND STATUTORY PROVISIONS

Petitioner asserts that the refusal of the Supreme Court of Puerto Rico to exercise its discretion under its own Rules

in existence at the time of petitioner's application violated petitioner's Constitutional rights under the fourteenth amendment, Section 1 thereof and Article IV,Section 2, clause 1.

The fourteenth amendment, Section 1, thereof, provides:

AMENDMENT XIV

§ 1. Citizenship rights not to be abridged by states

> Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Article IV, Section 2, Clause 1 of the United States Constitution provides:

> The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

At the time of the filing of petitioner's application, July 24, 1980, the Rules of the Supreme Court of Puerto Rico provided, by Resolution dated October 18, 1978:

IN THE SUPREME COURT OF PUERTO RICO

Amendment to Rule 11 of the
Rules of the Supreme Court

RESOLUTION

San Juan,Puerto Rico, October 18, 1978

Rule 11 of the Rules of this Court is hereby amended by the addition of the following section (f):

"(f) Admission by Reciprocity

Upon sworn petition to that effect, the court may discretionally admit to the practice of law without examination any applicant admitted to practice in any state of the United States of America where, either statutorily or by rule, and under similar reciprocity provisions, attorneys from Puerto Rico are admitted to practice, and who furnishes proof to the effect that he:

1. has engaged in the practice of law in said state for no less than five years;

2. has not been disciplined by suspension from the practice of law in any state of the United States or in any federal court of said nation;

3. has been certified by the Committee on Character as a person of good moral character;

4. has resided in Puerto Rico at least during the twelve months prior to the filing of his petition for admission by reciprocity."

It was thus agreed by the Court, as certified by the Chief Clerk.

Ernesto L. Chiesa
Chief Clerk.

A copy of that Resolution is appended and marked "B".

Three months after the filing of petitioner's application, a Resolution dated October 20, 1980 was issued by the Supreme Court of Puerto Rico as follows:

IN THE SUPREME COURT OF PUERTO RICO

Amendment to the Rules of
the Supreme Court
Admission by
Reciprocity

RESOLUTION

San Juan, Puerto Rico, October 20, 1980

To be effective today, subdivision (f) of Rule 11 of the Rules of this Court regarding admission by reciprocity, is hereby repealed.

It was so agreed by the Court and certified by the Clerk. Mr. Justice Rigau took no part in this decision.

Ernesto L. Chiesa
Chief Clerk

A copy of that Resolution is appended and marked "C".

Six months thereafter, the Resolution of the Supreme Court of Puerto Rico dismissing petitioner's application was rendered. That Resolution of May 12, 1981 provided:

IN THE SUPREME COURT OF PUERTO RICO

Ex-Parte

JEROME MURRAY
Petitioner No. Mc-80-43

Admission to the Bar and to the Notarial Practice

RESOLUTION

San Juan, Puerto Rico, May 12, 1981

Considering that the Court repealed Rule 11 (f) of its Rules which provided that "the Court may discretionally admit to the practice of law without examination" any applicant admitted to practice in any state of the United States of America where attorneys from Puerto Rico are admitted to practice, and provided that the applicant were to fulfill certain requirements; the Court dismisses applicant Jerome Murray's petition, without prejudice to his requesting admission through examination as provided by sec. 721 of Title 4 of the Laws of Puerto Rico Annotated, and by the Rules of the Board of Bar Examiners.

It was so agreed by the Court and certified by the Clerk.

(s) Ernesto L. Chiesa
Chief Clerk

STATEMENT OF THE CASE

On July 24, 1980 Petitioner filed an application for admission to the Bar of the Commonwealth of Puerto Rico pursuant to the provisions of Rule 11(f) of the Rules of the Supreme Court of Puerto Rico

which at that time and since October 18, 1978 provided for admission by reciprocity of attorneys of any state where attorneys of Puerto Rico, under similar reciprocity provisions, would be admitted to practice.

Petitioner was at the time of the filing of said application and at all time thereafter, an attorney admitted to practice in the State of New York as well as in other jurisdictions. See Appendix "D". The State of New York, at the time Petitioner's application was filed, provided for admission of attorneys of other jurisdictions without examination. In fact, the New York rule (22 N.Y.C.R.R., sec. 520.7) was and is broather than the rule of the Supreme Court of Puerto Rico under which the application was filed. Said Rule is not dependent on reciprocity.

Subsequent to the filing of Petitioner's application for admission, on October 20, 1980 while said application

was pending decision, the Supreme Court of Puerto Rico issued a resolution dated October 20, 1980 by which Rule 11(f) of the Rules of the Supreme Court of Puerto Rico providing admission by reciprocity was repealed, effective on October 20, 1980.

On May 12, 1981, more than six months after Rule 11(f) was repealed, the Supreme Court issued a resolution dismissing Petitioner's application for admission, which reads as follows:

> "Considering that the Court repealed Rule 11(f) of its Rules which provided that "the Court may discretionally admit to the practice of law without examination any applicant admitted to practice in any state of the United States of America where attorneys from Puerto Rico are admitted to practice, and provided that the applicant were to fulfill certain requirements; the Court dismisses applicant Jerome Murray's petition, without prejudice to his requesting admission through examination as provided by sec. 721 of Title 4 of the Laws of Puerto Rico Annotated, and by the Rules of the Board of Bar Examiners"

ARGUMENT

It should be noted that from the text of the resolution denying petitioner's application, it appears that the Supreme Court of Puerto Rico dismissed the application solely on the basis of its prior resolution dated October 20, 1980 by which rule 11(f) was repealed. The resolution of October 20, 1980 expressly states that it is "effective today". Therefore ,by its terms it is not retroactive. Considering that Petitioner had duly filed his application several months prior to the date of the repeal, the Court by denying the application based on the repeal of Rule 11(f) did in fact retroactively apply the repeal of Rule 11(f). Such retroactive application is not only contrary to the terms of the resolution of October 20, 1980 by which Rule 11(f) was repealed; it also violates fundamental constitutional rights of the Petitioner.

A person can not be excluded from the practice of law or from any other occupation in the manner or for reasons that contravene the due process or equal protection clauses of the Fourteenth Amendment. Schware v. Board of Bar Examiners of the State of New Mexico, 1957, 353 U.S. 232, 1 Led 2nd, 796.

It is well settled that the fundamental constitutional guarantee of due process is applicable to the Commonwealth of Puerto Rico. The case of Mora v. Mejías 206 F. 2nd 377 states, at page 382:

> "Under the terms of the 'compact' offered to the people of Puerto Rico by Pub. L. 600, 64 Stat. 319, 48 U.S.C.A. §§ 731 b- 731 d, and by the Joint Resolution of Congress approving the Constitution adopted by the people of Puerto Rico pursuant thereto, 66 Stat. 327, 47 U.S.C.A § 731d note, the government of the newly created Commonwealth of Puerto Rico is subject to 'the applicable provisions of the constitution of the United States' ... For our present purposes it is unecessary to determine whether it is the due process clause of the Fifth Amendment or that of the Fourteenth Amendment which is now applicable; the important point is

> there cannot exist under the American flag any governmental authority untrameled by the requirements of due process of law as guaranteed by the Constitution of the United States."

See also the case of Examining Board v. Flores de Otero , 426, 572, 49 L. Ed. 65, which involved the constitutionality of a statute which prohibited aliens from engaging in the practice of civil engineering in Puerto Rico. In that case, this Honorable Court stated in page 601:

> "The Court, however, thus far has declined to say whether it is the Fifth Amendment or the Fourteenth which provides the protection. Calero --Toledo, 416 US, at 668-669, n 5,,40 L. Ed 2d. 452, 94 S Ct 2080. If the Fourteenth Amendment is applicable , the Equal Protection Clause nullifies the statutory exclusion. If, on the other hand, it is the Fifth Amendment, and its Due Process Clause that apply, the statute's discrimination is so egregious that it falls within the rule of Bolling v. Sharpe, 347 US 497, 499, 98 L Ed 884, 74 S Ct. 693, 53 Ohio Ops 331 (1954)."

We submit, therefore, that the constitutional guarantee that protects the

right of a person to the practice of law to which reference is made in the case of Schware v. Board of Bar Examiners of the State of New Mexico, supra, is applicable in Puerto Rico.

Under the Rules of the Supreme Court of Puerto Rico in effect at the time of Petitioners application that Court was charged with the duty to exercise its discretion on petitioner's application and said application should not have been rejected based on the subsequent repeal of the Rule providing for admission by reciprocity. The discretion reserved by the Supreme Court of Puerto Rico under Rule 11(f) is not absolute. The rights of petitioner under said rule are not "a matter of grace and favor". Ex parte Garland 4 Wall 333,379. Petitioner met the threshold requirements for admission to the bar under Rule 11 and should not have been denied admission except for

good cause after giving him an opportunity by notice for hearing and answer. In Re Judith Berkan, decided by the United States Court of Appeal for the First Circuit on May 19, 1981. See also: Willner v. Committee on Character and Fitness, 373 U.S. 96 (1963), Shaikh v. Appellate Division of Supreme Court, 39 N.Y. 2d 676, 385 N. Y. 2d 514, 385 N.Y.S. 2d 514, 350 N.E. 2d. 902 (1976). It should be noted that petitioner was deprived of a due process opportunity for hearing. Petitioner submits that the Courts refusal to exercise its discretion and the concomitant loss to petitioner of his due process right to a hearing are quivalent to an arbitrary and capricious exercise of discretion without any means to assert a challenge to that exercise.

EXISTENCE OF JURISDICTION BELOW

Petitioner's application for admission below was duly filed in accordance with

the Rules of the Supreme Court of Puerto Rico. See certificate of the Chief Clerk of the Supreme Court of Puerto Rico, dated the 4th day of June, 1981, appended hereto as the last page of the documents marked "A".

REASONS FOR GRANTING THE WRIT

The actions of the Supreme Court of Puerto Rico in dismissing petitioner's application deprived petitioner of his Constitutional rights.

As stated by this Court in Willner v. Committee on Character & Fitness, 373 U.S. 96, 102 (1963):

> "The issue presented is justiciable. " A claim of a present right to admission to the bar of a state and a denial of that right is a controversy." Re Summers, 325 US 561, 568, 89 L ed 1795, 1801, 65 S Ct 1307. Moreover, the requirements of procedural due process must be met before a State can exclude a person from practicing law. 'A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.'".

Petitioner's rights cannot be adequately protected without the intervention of this Court.

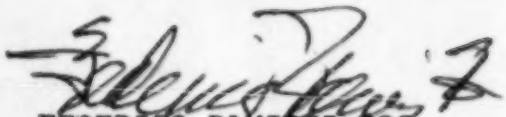
CONCLUSION

Petitioner prays for a writ of certiorati to the Supreme Court of the Commonwealth of Puerto Rico to review a Resolution of that court entered May 12, 1981 which denied petitioner a determination on his application for admission to the bar of that court pursuant to the Rules of the Supreme Court of the Commonwealth of Puerto Rico extant at the time petitioner's application was filed.

Upon review petititioner seeks a direction to the Supreme Court of Puerto Rico to exercise its discretion on petitioner's application, pursuant to the Rules of that Court in effect at the time of the filing of petitioner's application for admission to the bar of the Common-

wealth of Puerto Rico.

Respectfully submitted,



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APPENDIX

APPENDIX A-

(Translation)

IN THE SUPREME COURT OF PUERTO RICO

EX PARTE:

Jerome Murray-Petitioner

No. Mc-80-43

Admission to the Bar and

to the Notarial Practice

RESOLUTION

San Juan, Puerto Rico, May 12, 1981.

Considering that the Court repealed Rule 11(f) of its Rules which provied that "the Court may discretionally admit to the practice of law without examination" any applicant admitted to practice in any state of the United States of America where attorneys from Puerto Rico are admitted to practice, and provided that the applicant were to fulfill certain requirements; the Court dismisses appli-

cant Jerome Murray's petition, without prejudice to his requesting admission through examination as provided by sec. 721 of Title 4 of the Laws of Puerto Rico Annotated, and by the Rules of the Board of Bar Examiners.

It was so agreed by the Court and certified by the Clerk.

(s) Ernesto L. Chiesa

Chief Clerk

CHIEF CLERK'S CERTIFICATE

I, Ernesto L. Chiesa, Chief Clerk of the Supreme Court of Puerto Rico, do hereby CERTIFY:

That the annexed documents are photocopies of the official translation from Spanish into English (said translation having been made under the authority of Act No. 87 of May 31, 1972) of the Petition filed before this Court on July 24, 1980, and its correspondings exhibits, and the Resolution issued by

this Court on May 12, 1981, in case No. Mc-80-43, Ex parte Jerome Murray, Petitioner, Re: Admission to the Bar and to the Notarial Practice, the originals of which in Spanish, are under my custody in this office.

IN WITNESS WHEREOF, at the request of the interested party, and upon payment of the corresponding fees, I have hereunto set my hand and affixed the seal of this Court in San Juan, Puerto Rico, this 4th. day of June 1981.

(s) Ernesto L. Chiesa

Chief Clerk , Supreme Court of Puerto Rico.

APPENDIX B -

(Translation)

IN THE SUPREME COURT OF PUERTO RICO

Amendment to Rule 11 of the
Rules of the Supreme Court

RESOLUTION

San Juan, Puerto Rico, October 18, 1978.

Rule 11 of the Rules of this Court is hereby amended by the addition of the following section (f):

"(f) Admission by reciprocity

Upon sworn petition to that effect, the court may discretionally admit to the practice of law without examination any applicant admitted to practice in any state of the United States of America

where, either statutorily or by rule, and under similar reciprocity provisions, attorneys from Puerto Rico are admitted to practice, and who furnishes proof to the effect that he:

1.- has engaged in the practice of law in said state for no less than five years;

2.- has not been disciplined by suspension from the practice of law in any state of the United States or in any federal court of said nation;

3.- has been certified by the Committee on Character as a person of good moral character;

4.- has resided in Puerto Rico at least during the twelve months prior to the filing of

his petition for admission by reciprocity."

It was thus agreed by the Court, as certified by the Chief Clerk.

(s)Ernesto L. Chiesa

Chief Clerk

CHIEF CLERK'S CERTIFICATE

I, Ernesto L. Chiesa, Chief Clerk of the Supreme Court of Puerto Rico DO HEREBY CERTIFY:

That the annexed document is a photocopy of the official translation from Spanish into English (said translation having been made under the authority of Act No. 87 of May 31, 1972) of the Resolution issued by this Court on October 18, 1978, adding section (f) to Rule 11 of the Rules of this Court, the original of which, in Spanish , is under my custody in this office.

IN WITNESS WHEREOF, at the request of the interested party and upon payment of the corresponding fees, I

have hereunto set my hand and affixed the seal of this Court in San Juan, Puerto Rico, this 4th. day of June 1981.

(s) Ernesto L. Chiesa

Chief Clerk- Supreme Court of Puerto Rico.

APPENDIX C-

(Translation)

IN THE SUPREME COURT OF PUERTO RICO

Amendment to the Rules of
the Supreme Court

Admission by
Reciprocity

RESOLUTION

San Juan, Puerto Rico, October 20, 1980.

To be effective today, subdivision (f) of Rule 11 of the Rules of this Court regarding admission by reciprocity, is hereby repealed.

It was so agreed by the Court and certified by the Clerk. Mr. Justice Rigau took no part in this decision.

(s) Ernesto L. Chiesa

Chief Clerk

CHIEF CLERK'S CERTIFICATE

I, Ernesto L. Chiesa, Chief

Clerk of the Supreme Court of Puerto Rico, DO HEREBY CERTIFY:

That the annexed document is a photocopy of the official translation from Spanish into English (said translation having been made under the authority of Act No. 87 of May 31, 1972) of the Resolution issued by this Court on October 20, 1980, repealing subdivision (f) of Rule 11 of the Rules of this Court, the original of which, in Spanish, is under my custody in this office.

IN WITNESS WHEREOF , at the request of the interested party, and upon payment of the corresponding fees, I have hereunto set my hand and affixed the seal of this Court in San Juan, Puerto Rico, this 4th. day of June 1981.

(s) Ernesto [illegible]. Chiesa

Chief Clerk, Supreme Court of Puerto Rico

APPENDIX D -

(Translation)

SUPREME COURT OF PUERTO RICO

In re:

JEROME MURRAY-Petitioner
Admission to the Practice
of Law and to the Notarial
Practice

PETITION

To the Honorable Court:

Petitioner appears represented by his undersigned attorneys and respectfully alleges and prays:

1.- Petitioner is of legal age, a citizen of the United States of America and has maintained a residence in Puerto Rico for over twelve months

prior to this date. He has completed all his courses in the study of law and has received the corresponding degree in a Law School accredited by the American Bar Association. A Sworn Statement by Petitioner is enclosed, thus completing , to our understanding, the procedural requisites provided by the Act on the Practice of Law and the Notarial Practice, 4 L. P.R.A. §§ 721 and by Section 8 of the Rules of that Honorable Court. The aforementioned Sworn Statement is marked EXHIBIT 1 and incorporated as a part of this Petition.

2.- Enclosed are sworn statements by each one of attorneys Roberto J. Matos, Leopoldo C. Delucca, Héctor L. Urrutia, Jr.,Celestino Morales, Jr. and by attorneys Federico Ramírez Ros, Stanley R. Segal, Carlos G. Látimer and Nelson Biaggi García, members of the

undersigned law firm , which are marked EXHIBIT 2 through 6 respectively, and -- incorporated as a part of this Petition. These Sworn Statements evidence before this Honorable Court the professional competence of Petitioner as well as his professional personal and moral reputation in this Puerto Rican community.

3.- From the preceding documents appear facts that we understand merit that we submit this brief argument of law before that Honorable Court.

The Courts of the State of New York have declared unconstitutional the requisite that a person must be a "RESIDENT" of the State to be admitted to practice law, on the grounds of the privilege and immunity clause of the Constitution of the United States. In the matter of Harry G. Gordon For Admission To the Bar v. Committee on Character and Fitness, 422 Y.Y.S. 2d. 641 (1979) .

In said case it was stated that, although the aforementioned clause does not prohibit entirely a differentiation between residents and non-residents, the exceptions, however, are very limited and do not include the granting of a license for the practice of law. The Court stated that the mechanisms available for the supervision of attorneys, including contempt and disciplinary measures as well as civil actions for malpractice are available against both residents and non-residents, so that those needs which the privilege and immunity clause may acknowledge as precluding their application are not present in the case of granting a license to practice law.

We feel that the preceding decision of the Courts of the State of New York may be correct from the federal constitutional standpoint. However, we do not intend to maintain said position before this Honorable Court since it is our under-

standing that petitioner has a residence in Puerto Rico and is a resident within the concept considered by the provisions of 4 L.P.R.A. § 722. Thus, we do not contend that that Honorable Court cannot exclude a non-resident attorney from the practice of law in Puerto Rico when said non-resident has no contacts with the Commonwealth of Puerto Rico, its laws and its institutions. We only contend that, with the contacts that petitioner has with the Commonwealth of Puerto Rico, constitutionally he should not be excluded from the practice of his profession here in Puerto Rico. As it appears from Petitioner's Sworn Statement and as the undersigned attorney personally knows, Petitioner is the owner of a residence in Puerto Rico and has maintained it for over one year. In the practice of his profession petitioner travels continuously; facts arise in Puerto Rico

that have to be taken care of by petitioner. Petitioner has been involved in several suits in Puerto Rico jointly with Puerto Rican attorneys and against Puerto Rican attorneys, those lawyers having a high opinion of petitioner as appearing from the affidavits attached to this petition.

WHEREFORE, it is respectfully requested of this Honorable Court, that, following the proceedings that Honorable Court deems pertinent, it admit Petitioner to the practice of law in the courts of the Commonwealth of Puerto Rico.

In SanJuan,P.R. this 24th day of July 1980.

RAMIREZ,SEGAL & LATIMER
208 First Federal Bldg.
Stop 23, Santurce,Puerto Rico 724-0230
By(sgd) Carlos G. Látimer

Exhibit 1 to
APPENDIX "D"

SWORN STATEMENT

I, JEROME MURRAY, of 51 years old, married, attorney at law with residences as hereinafter indicated after being duly sworn state:

1.-That my name and personal circumstances are as aforesaid.

2.- That I obtained a Bachelor of Laws (LLB) degree in the year 1953 from Brooklyn Law School graduating in the top 10% of my graduating class and I obtained a Doctor in Jurisprudence degree in the same school in the year 1958.

3.- That I am a senior partner of the law firm HENDLER & Murray located at Two World Trade Center, New York, N. Y. 10048 which law office consists of seventeen attorneys.

4.- That I am admitted to practice in all of the courts of the State

of New York; the Eastern and Southern United States District Courts of New York; United States Circuit Court of Appeals for the Second Circuit; the Supreme Court of the United States and Pro Haec Vice in Massachusetts, New Jersey, Ohio, Colorado, Nevada, California, Florida and Puerto Rico.

5.- That I am a member of the American Bar Association of the New York County Lawyers' Association, the Association and of the Trial Lawyers of America with membership on various of its Committees. I have also serve as Arbitrator for the American Arbitration Association on its panel of Construction Arbitrators.

6.- That I have owned and maintain a residence in the State of New York and have also owned and maintained a residence in the Commonwealth of Puerto Rico for more than one year.

7.- That I conmute between

New York, Puerto Rico and various other parts of the United States and of the world several times every month and I reunite my wife at the end of every trip either at my residence in New York or at my residence in Puerto Rico.

8.- That I have been involved in the active litigation of various cases in the District Court of the United States for the District of Puerto Rico with attorneys who are members of the Puerto Rican Bar Association and have been actively engaged in cases or matters involving facts arising in the Commonwealth of Puerto Rico. My relationship with all said attorneys has been excellent. See attached affidavits marked Exhibit 1 to 6.

9.- That several and perhaps the majority of my clients are actively engaged in business in the Commonwealth of Puerto Rico.

At San Juan,P.R. this 3

day of July, 1980.

(s) Jerome Murray

Affidavit number 7012 Sworn and subscribed to before me by Mr. Jerome Murray of the personal circumstances above mentioned to me personally known. This 3 day of July 1980 at San Juan,P.R.

(s) Stanley R. Segal- Notary

Exhibit 2 to
APPENDIX 'D"

(Translation)

SWORN STATEMENT

I, ROBERTO J. MATOS, of legal age, married, attorney and a resident of San Juan, Puerto Rico, under oath declare:

1.- That my name and personal circumstances are as previously stated.

2.- That approximately 8 years ago I had the opportunity of personally knowing Atty. Jerome Murray by reason of a suit which we litigated jointly in the Federal Court. He impressed me greatly due to his professional competence and experience in litigation. I have also been able to ascertain that Atty. Jerome Murray is a formal person and with a great degree of morality.

And so that it may thus

be known, I sign the present statement in San Juan,Puerto Rico , on July 1st. 1980.

(Sgd) Roberto J. Matos.

Affidavit number: 6997

Sworn and signed before me by Atty.Robert J. Matos, of the personal circumstances indicated above and with whom I attest to be personally acquainted. In San Juan, P.R. on July 1st. 1980.

(Sgd.) Stanley R. Segal Notary Public

Exhibit 3 to
APPENDIX 'D"

(Translation)

SWORN STATEMENT

I, Leopoldo C. Delucca, of legal age, an attorney admitted to the profession in the Commonwealth of Puerto Rico, married and a resident of San Juan,P.R. under oath declare:

1.- That my name and personal circumstances are as previously stated.

2.- That I am personally acquainted with Atty. Jerome Murray because I have jointly participated with him in a very complex litigation in the U.S. District Court for the District of Puerto Rico; that Atty. Jerome Murray is a person of great integrity and great professional competence.

3.- That I make this statement so that it may be used in

his request to be admitted to the bar in Puerto Rico.

And so that it may thus be known, I sign the present statement in San Juan,P.R. on June 25, 1980.

(Sgd.) Leopoldo C. Delucca

Affidavit number: 5762

Sworn and signed before me by Atty. Leopoldo C. Delucca, of the personal circumstances indicated above and with whom I attest to be personally acquainted. In San Juan,P.R. on June 25, 1980.

(Sgd.) Carlos G. Lâtimer -Notary

Exhibit 4 to
APPENDIX "D"

SWORN STATEMENT

I, Héctor L. Urrutia Ortiz of legal age, married, attorney and resident of Guaynabo,Puerto Rico, under oath declare:

1.- That my name and personal circumstances are as previously stated.

2.- That I have known Attorney Jerome Murray for approximately ten (10) years.

3.- That I have had countless meetings and conversations with the aforementioned attorney and I personally know that he is a person of high moral and ethical concepts and exceptional professional competence.

4.- That I unconditionally recommend him to be admitted to the practice of the legal profession in Puerto Rico.

And so that it may thus be known, I sign the present statement in San Juan, Puerto Rico, on June 25, 1980.

(Sgd.) Héctor L. Urrutia Ortíz

Affidavit number: 2719 Sworn and signed before me by Héctor L. Urrutia Ortíz, of the personal circumstances indicated above and with whom I attest to be personally acquainted. In San Juan, P.R. on June 25, 1980.

(Sgd.) Héctor R. Miranda del Olmo--
NOTARY

Exhibit 5 to
APPENDIX "D"

SWORN STATEMENT

I, CELESTINO MORALES, Jr. of legal age, married , an attorney admitted to the practice of his profession in the Commonwealth of Puerto Rico and a resident of San Juan, Puerto Rico, under oath declare:

1.- That my name and personal circumstances are as previously stated.

2.- That I have known Atty. Jerome Murray for over nine years; that Atty. Jerome Murray and myself have participated in litigation in the Federal Court and I have been able to learn that he is an excellent lawyer, with a great sense of morality, a deep knowledge of the law and vast experience in litigation.

3.- That I make this statement so that it may produce the

desire effect.

And so that it may thus be known, I sign the present statement in SanJuan,P.R. on June 25, 1980.

(Sgd) Celestino Morales, Jr.

Affidavit number 689 Sworn and signed before me by Atty. Celestino Morales, Jr. of the personal circumstances indicated above and with whom I attest to be personally acquainted. In San Juan, P.R. on June 25, 1980.

(Sgd) Steve Segal, Notary

Exhibit 6 to
APPENDIX "D"

SWORN STATEMENT

The undersigned, FEDERICO RAMIREZ ROS, STANLEY R. SEGAL, CARLOS G. LATIMER and NELSON BIAGGI GARCIA, of legal age, married, attorneys duly admitted to the practice of the legal profession in the Commonwealth of Puerto Rico and residents of San Juan, Puerto Rico, under oath declare:

1.- That our names and personal circumstances are as previously stated.

2.- That we have intimately known Atty. JEROME MURRAY for over ten years; that Atty. Jerome Murray has been admitted to the practice of the profession in the State of New York; that said Jerome Murray is the senior partner of the firm HENDLER and MURRAY that consists of approximately 17 attorneys, which firm is prestigious in the city of New York; that the un-

dersigned have participated with Atty. Jerome Murray in litigation in the District Court of the United States of America for the District of San Juan and we have also jointly participated with him dealing with countless matters and controversies during the last ten years; that Atty. Jerome Murray is a person of the highest moral integrity and an attorney of exceptional professional qualifications; that should he be admitted to the practice of the legal profession in Puerto Rico, we have no doubts whatsoever that he shall enhance the Puerto Rico bar.

AND SO THAT IT MAY THUS BE KNOWN, we sign the present statement in San Juan,Puerto Rico, on June 26, 1980.

(Sgd) Stanley R. Segal
(Sgd) Nelson Biaggi García
(Sgd) Carlos G.Látimer
(Sgd) Federico Ramírez Ros

Affidavit número 699 Sworn and signed before me by Federico Ramírez Ros, Stanley R. Segal, Carlos G. Látimer and Nelson

Biaggi García, of the personal circumstances indicated above and with whom I attest to be personally acquainted. In San Juan,P.R. on June 26, 1980.

(Sgd) Steve Segal- Notary